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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,805	08/11/2000	Joseph G. Wirtz	39992-400700	9228
7590 03/20/2006			EXAMINER	
SEYFARTH SHAW, LLP 55 East Monroe Street, Suite 4200 Chicago, IL 60603-5803			GARG, YOGESH C	
			ART UNIT	PAPER NUMBER
			3625	
DATE MAILED: 03/20/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/635,805

Applicant(s)

WIRTZ ET AL.

Examiner

Yogesh C. Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/30/2005 has been entered.

### ***Response to Amendment***

2. Applicant's amendment received on 12/30/2005 is acknowledged and entered. The applicant has currently amended claims 1, 13, 14, 18, 22, 26, 30 and 33. Currently claims 1-35 are pending for examination.

### ***Response to Arguments***

3.1. Applicant's arguments with respect to claims 1-35 filed on 12/30/2005 have been considered but are moot in view of the new ground(s) of rejection necessitated due to current amendments made to claims 1, 13, 14, 18, 22, 26, 30 and 33.

3.2. The applicant argues, see Remarks, page 16-18, that Airnet does not remedy the deficiencies of Hartman and therefore Hartman and Airnet does not disclose teach or suggest displaying a selection panel or order panel with the graphical depiction of one

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or more promotional items in a graphical user interface and that a server does not send a web page and an auxiliary file to a client computer where descriptive data related to one or more promotional items is read from the auxiliary file without querying the server.

The examiner respectfully disagrees for the following reasons:

The applicant's disclosure has neither defined or described an auxiliary file and therefore the examiner interprets the term "an auxiliary file" as a set of data or a document sent along with the web page from server. Hartman does disclose sending a web page along with auxiliary files on descriptive data of the items, shopping cart, for placing orders with single-click, etc. to a client, see Figs 1A-1C, as analyzed in the earlier Office action and the descriptive data is also read from the files provided with the web page. As acknowledged by the examiner in the previous office action, Hartman does not disclose a graphic depiction producing a parts explosion image of the promotional item and that by clicking an item it can be dragged and dropped in the selection panel and now further examiner acknowledges that Hartman also does not teach reading the auxiliary file without querying the server [currently added new limitation]. However, this deficiency is overcome by the Airnet reference which explicitly teaches that the electronic catalog web pages include files providing access to part numbers, illustrations, prices, bulletins and other descriptive and relevant information and displaying this information on a panel in response to a user's selection from the provided data, see Airnet pages 1-13, which suggest that Electronic catalogs, Empart publisher, Partsmart and Empart viewer tools provide detailed, graphical descriptive and other relevant information from the auxiliary files attached to the electronic catalogs

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without having to query the server again. The electronic catalog pages correspond to a web page. In view of the prior arts of Hartman and Airnet, it would be obvious to one of an ordinary skilled in the art at the time of the applicant's invention to have combined these features because it would further make the Hartman's system more convenient and efficient for the consumers to make online purchases (see col.3, lines 30-44 defining the objective of the Hartman's invention) as is disclosed in Airnet.

3.3. The applicant argues (see Remarks, page 17) that Hartman does not disclose, teach or suggest adding any information from any other type of file other than a server system. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, the examiner has combined the teachings of Airnet with Hartman to render obvious the applicant's claimed invention.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4.1. Claims 1, 2, 4-14, 16-20, 22, 24-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman et al. (US Patent 5,960,411), in view of web pages from

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web site www.airnet.com extracted from Internet on March 22, 2000, received with IDS, paper number 4, pages 13, hereinafter referred to as Airnet and further in view of Dan et al. (US Patent 6,519,627), hereinafter referred to as Dan..

Hartman teaches a method, a system and a computer program product for permitting a user to order merchandise on a client that communicates with two or more servers, the servers responding to on-demand requests for a web page containing promotional items of merchandise, wherein the server sends to the client the web page and an auxiliary file containing descriptive data related to the items, comprising receiving, at the client, the web page and the auxiliary file, to produce description of the promotional item on a graphical user interface coupled to the client and configured to receive input from the user, synchronizing the selection panel with a duplicate of the selection panel located on the server, receiving a confirmation signal from the server to verify that the promotional item has been added to a duplicate panel of the selection panel, sending a purchase request to the server to purchase the promotional item sent to the selection panel in response to an order request from the user, allowing to delete items from the selection panel and the selection panel provides a metaphorical shopping cart, shopping basket or trolley (see at least col.1, lines 10-65, "... *The Internet comprises of a vast number of computers and computer networks ....interconnected computers exchange information using.....the World Wide Web.....WWW allows a server computer system....send graphical Web pages of information to a remote client computer system.....When the client computer system receives that Web page, it typically displays the Web page using a browser.....The HTML document contains*

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*various tags that control the displaying of text, graphics.....Many web servers have been developed through which vendors can advertise and sell product* ", col.2, line 17- col.4, line 58, "*....The selection of the various items....based on the "shopping cart" model.....server system metaphorically adds that item to a shopping cart....*", and FIGS. 1A, 1B, 1C, 2, 3, 4. Note: the term promotional does not lend a patentable weight towards the structure of the system claimed. In Hartman, the products from advertising vendors (col.1, lines 47-49) relate to promotional items. Also selection panel in claim relates to shopping cart in Hartman.).

Hartman does not disclose displaying the descriptive data related to the promotional item, reading the descriptive data from the auxiliary file without querying the server and the descriptive data is implemented in response to a pointer linked to an input device being moved over one of the promotional items a graphic depiction producing a parts explosion image of the promotional item and that by clicking an item it can be dragged and dropped in the selection panel without querying the server. However, Airnet discloses these missing limitations from Hartman, see pages 1-13. Airnet teaches a graphic depiction producing an explosion image of items and further discloses using drag-and-drop tools to pick items and drop elsewhere (see at least page 5, page 6-Figure, and pages 9-13. Airnet further teaches that the electronic catalog web pages include auxiliary files providing access to part numbers, illustrations, prices, bulletins and other descriptive and relevant information and displaying this information on a panel in response to a user's selection from the provided data, see Airnet pages 1-13, which suggest that Electronic catalogs, Empart publisher, Partsmart and Empart

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viewer tools provide detailed, graphical descriptive and other relevant information from the auxiliary files attached to the electronic catalogs without having to query the server again. The electronic catalog pages correspond to a web page. In view of Airnet it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Hartman to disclose displaying the descriptive data related to the promotional item, reading the descriptive data from the auxiliary file without querying the server and the descriptive data is implemented in response to a pointer linked to an input device being moved over one of the promotional items a graphic depiction producing a parts explosion image of the promotional item and that by clicking an item it can be dragged and dropped in the selection panel. Doing so would make the Hartman's system more convenient and efficient for the consumers to make online purchases (see col.3, lines 30-44 defining the objective of the Hartman's invention) as suggested in Airnet (see at least page 6 Figure's Text under "Image Server").

Hartman in view of Airnet does not suggest synchronizing the selection panel with a duplicate of the selection panel located on the server, receiving a confirmation signal from the server to verify that the promotional item has been added to a duplicate panel of the selection panel. However, in the same field of endeavor, Dan teaches synchronizing the selection panel with a duplicate of the selection panel located on the server, receiving a confirmation signal from the server to verify that the promotional item has been added to a duplicate panel of the selection panel (see at least col.2, lines 23-63 where the promotional item corresponds to a ticket and the auxiliary file corresponds to downloading of ticket database on the client with the webpage of Hartman and



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synchronizing is done between the selection panel displayed on the client and that of a duplicate selection panel on the server to check if the transaction can be completed or not ). In view of Dan, it would be obvious to one of an ordinary skilled in the art at the time of the applicant's invention to have modified Hartman/Airnet to incorporate the feature of synchronizing the selection panel with a duplicate of the selection panel located on the server, receiving a confirmation signal from the server to verify that the promotional item has been added to a duplicate panel of the selection panel because it would allow to check and determine, after a disconnected operation between the client and server, if a change has occurred in the state of the resources since the operation was disconnected from the server and then completing the transaction only after getting confirmation that no change has taken place, as explicitly demonstrated in Dan and making the system user friendly and convenient as desired in Hartman.

4.2. Claims 3,15,21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman/Airnet/Dan and further in view of Bernhardt et al. (US Patent 6,496,208), hereinafter referred to as Bernhardt.

With regards to claims 3, 15, 21, and 23 Hartman/Airnet/Dan teaches a method, a system and a computer program product to order a merchandize on a client that communicates with the server and the server sends a file data displaying the description of the items being sold as disclosed in claims 1, 14, 18, and 22 respectively and analyzed above. Hartman/Airnet/Dan does not teach that when a item is pointed at to select it, it is displayed in different colors and each different color indicates a different

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property related to that item, for example, one color represents that the item may have a subassembly, another color may indicate that it has no further subassembly, and further another color may indicate that its price is discounted. However, as per information generally available it is well known practice to use color-coding while displaying data or information on computer screens to differentiate the information represented by each color, e.g., while displaying the performance of companies, stocks green and red colors indicate profits and loss respectively. Bernhardt expressly teaches the use of color-coding and color intensity to represent different values of data/information (see at least, abstract, Figs. 5 and 5A, col. 3, lines 7-14, col.5, lines 28-38, and col.6, line 48-col.7, line 40). In view of the knowledge generally available and as expressed in Bernhardt it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Hartman/Airnet/Dan to use color coding in describing the parts on computer screens to represent different characteristics about them.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6,101,482 to DiAngelo discloses an online system and method of purchasing and selling wherein auxiliary files containing information relevant to a transaction is transmitted to client from a server such that even after the connection between client and server is disconnected the system facilitates user to continue with

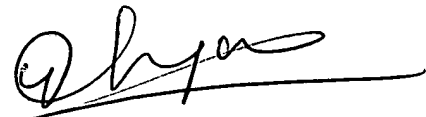
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his purchasing transaction, retrieving information about items, etc, at the client without querying the server (see at least Abstract).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yogesh C Garg  
Primary Examiner  
Art Unit 3625

YCG